

SB309 Gun Confiscation Prohibition (Sen. Joe Balyeat)

I represent SD34 – I'm also on the Board of Directors of the MSSA. This bill prohibits the confiscation of firearms in declared emergencies – except for normal police actions where probable cause exists. Why do we need the bill?

Confiscation happened after Katrina in New Orleans; much of it was done by imported police from outside the area who were unfamiliar with local customs, local laws, and local concerns. Many Montanans are very concerned that this sort of gun confiscation doesn't happen here, especially with non-resident imported authorities. And unfortunately, we've already had incidents which are bordering on similarity to the Katrina experience --ranchers near Columbus were apparently required to remove guns from vehicles and leave them at checkpoints when passing roadblocks and returning to their homes in fire areas.

Of course, one of the issues here is when, how and if weapons confiscated en mass with no probable cause are ever returned to their rightful owners.

MT has constitutional language touching broadly on these issues:

ARTICLE II

Section 12 – Right to Bear Arms. *The right of any person to keep or bear arms in defense of his own home, person, and property; or in aid of the civil power when thereto legally summoned, shall not be called into question....*

Section 33 -- Importation of Armed Men. *No armed person or persons or armed body of men shall be brought into this state for the preservation of peace, or the suppression of violence, except upon the application of the legislature...*

While MT has constitutional language touching broadly on these issues; statutory law is somewhat silent. As this committee well knows, it is the responsibility of the legislature to flesh out or make application of constitutional provisions with statutory details.

SB309 is not intended to interfere with normal police actions where there is probable cause. As amended in the Senate, I believe the bill strikes the necessary balance to not impede normal police operations where weapon confiscation is required, yet protects our second amendment rights in emergencies. You can see the bill has a lot of co-sponsors; men and women in both legislative chambers; and legislators from both sides of the aisle; both parties.

When I approached one Senator, he read the title and said, "Prohibit confiscation of guns in emergencies... well, of course, when do you most need a weapon? --- in emergencies."

With that, I'll sit and let proponents with more expertise than me explain the mechanics of the bill; listen to opponents if any; and I reserve the right to close.